

**The Effect of “Measurable and Rigorous” State Performance Goals for Addressing “FAPE within the LRE for School-Aged Students”**

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The *Individuals with Disabilities Education Act* of 2004 (IDEA) and the related regulations adopted in 2006 brought about considerable changes to the compliance and monitoring process for states (Ahearn, 2011). Under the requirement of the *Government Performance and Results Act* (GPRA) (see <http://nichcy.org/laws/idea/partb/indicators-partb>), federal programs such as the IDEA are required to report on specific program performance.

Since the passage of the IDEA, the Office of Special Education Programs (OSEP) at the U.S. Department of Education has sought to provide guidance and oversight to states by collecting data for reporting on program performance. This effort led OSEP to establish twenty specific indicators that every state must address. Some indicators are classified as “compliance indicators” and some are classified as “results” indicators. Compliance indicators are those that OSEP has deemed essential and requires absolute adherence of 100% compliance. For the most part, these indicators focus on procedural guarantees and issues of disproportionality across race/ethnicity for disability classifications and discipline. All other indicators are classified as “results” indicators meaning that each state can set their own targets for establishing progress.

The focus of this article is on the state monitoring and reporting system for Indicator 5, which is a results indicator. Indicator 5 relates to how each state addresses free and appropriate public education (FAPE) within the least restrictive environment (LRE) for school-aged populations. IDEA further provides a percentage measurement formula for reporting on this indicator:

- Category A: Percent = # of children with IEPs served inside the regular class 80% or more of the day divided by the total # of students aged 6 through 21 with IEPs times 100.

- Category B: Percent = # of children with IEPs served inside the regular class less than 40% of the day divided by the total # of students aged 6 through 21 with IEPs times 100.
- Category C: Percent = # of children with IEPs served in separate schools, residential facilities, or homebound/hospital placements divided by the total # of students aged 6 through 21 with IEPs times 100.

Sections 616 and 624 of IDEA required each state to develop a State Performance Plan (SPP) that was to include “rigorous and measurable” performance goals for each year up to 2010 (Ahearn, 2011). These SPP’s were later extended to 2012 because the planned-for reauthorization of IDEA has yet to occur. States were also required to report on their progress in meeting the targets outlined in the SPP by submitting an Annual Performance Report (APR). The SPPs were to be completed by December 2005 and goals for improvement were to be articulated. Accordingly, SPPs include targets for increasing Category A placements and decreasing Category B and C placements.

The principles of the LRE and FAPE are probably two of the principles of IDEA that are often interlinked and most open to a wide-range of interpretations (Hyatt & Filler, 2011). For this reason, it comes as no surprise that OSEP would choose to determine that goals related to placement statistics would serve as a proxy for satisfying the LRE requirement. Because LRE has not been satisfactorily defined by Congress, placement percentages based on physical placement are simply easier to report and evaluate than other measures (Moores, 2011). Hence, such a method is easily considered to satisfy the requirement of being “measurable.” However, the term “rigorous” is less straightforward.

The purpose of this article is to explore how this policy mandate influenced actual changes in how states implemented measurable and rigorous targets for increasing

inclusive placements for students with disabilities. How policy impacts or fails to impact actual practice is an issue that is relevant to others working towards inclusive communities. We believe that state and federal policy has the potential to impact practice in meaningful ways, particularly if these policies are clear and intentional. OSEP's efforts to encourage states to identify "measurable and rigorous" benchmarks held great promise for establishing greater inclusion of students with disabilities in general education settings. Our assumption was that the term rigorous would mean that established goals and benchmarks would be challenging and signify a substantial difference from the baseline status. We also wondered if federal policies could influence states to establish rigorous goals that would indeed result in positive impacts over time.

### **Methods**

Six southwestern states were selected for analysis and comparisons: Arizona, California, Colorado, New Mexico, Nevada, and Utah. This region was selected because of its diversity in LRE placement rates; specifically, this region is home to Colorado, a state with very high LRE placement rates, and California, which has low LRE rates. Furthermore, this is a region of the U.S. that is diverse in terms of its population characteristics (ethnicities, socioeconomic status, languages spoken, and occurrences of both urbanicity and rurality). These reasons, along with our work in Arizona and our interest in examining Arizona's performance goals compared to its neighboring states, prompted us to select this region for study. These states were also selected due to their geographical location as part of the southwest, and on the assumption that there would be less variability amongst states sharing borders and geographic regions.

SPP's from 2005 and the 2013 updated versions were obtained from each state's Department of Education website (e.g., [www.azed.gov](http://www.azed.gov)). These SPP's were examined for each southwest state to determine both actual targets by year as well as the rationale underlying the proposed targets. SPP's for the remaining 44 states were reviewed to calculate average targets for the U.S. as a whole. These averages were calculated by the second author and checked by the other authors.

Actual LRE data for each state between the years 2004 (when baseline data was first collected) and 2011 (year of most recent data available) were collected from the Data Accountability Center (<http://ideadata.org>). LRE averages for the six southwest states were calculated, as well as averages for the U.S. as a whole (50 US states, excluding the District of Columbia) in order to provide for additional comparisons. Again, the second author calculated the averages and the other two authors crosschecked these calculations to ensure accuracy.

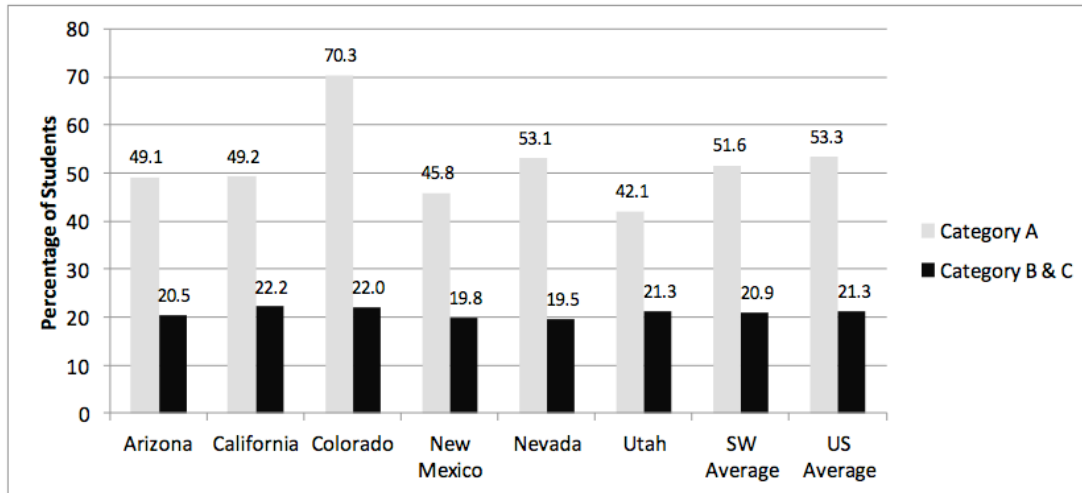
Finally, the actual placement rates for Categories A and Categories B and C combined for the year 2011 were compared to placement targets for that same year in order to examine the potential influence of a state's proposed change and the scope of change six years later.

## **Results**

In this section, we report on what was learned about each of the state SPP targets for Indicator 5, how those targets were developed, and the relationship between projected targets and actual changes in percentages for each of the categories measured for Indicator 5. Figure 1 shows the baseline placement data for our sample states along with the southwest state average and the U.S. average. As can be seen, the southwest average

and the U.S. average were similar, indicating that our sample is similar to regional and national averages. Moreover, the range is also apparent, with Category A placements ranging from 70.3% (CO) to 42.1% (UT) and Category B and C placements ranging from 22.2% (CA) to 19.5% (NV).

Figure 1. *Baseline Placement Data for Sample States*



### State Proposed Rigorous Targets for Indicator 5

One way to explore the meaning of rigorous targets is to examine the scope of proposed change. To do this, we looked at the scope of proposed change between the 2004 baseline and the targets for the year 2012. We hypothesized that if SPPs are in fact meaningful agents for promoting change, then a state's baseline data would be related to its proposed scope of change.

Table 1 shows the ranking for scope of change for the six states, the southwest average, and the U.S. average. Upon examining Table 1, it is apparent that each state made a different determination regarding what would constitute a rigorous goal for increasing the percentage of school-aged children who spend most of their day in general

education classroom settings and decreasing the percentage of school-aged children who spend most of their day in segregated settings.

Further examination of Table 1 reveals that there is in fact a relationship between state baseline data and proposed scope of change, supporting the earlier hypothesis. Specifically, those states with the highest LRE placement rates at baseline proposed minimal changes (Colorado and Nevada), whereas states with low LRE rates at baseline tended to propose more rigorous changes (California, New Mexico, and Utah).

Table 1. *State Rankings Based on Scope of Proposed Changes*

Proposed Scope of Change Ranking	Category A Baseline Ranking	Category A (increase)		Proposed Scope of Change Ranking	Category B & C Baseline Ranking	Category B & C (decrease)	
1	5	CA	2 6.80%	1	8	CA	- 16.2%
2	7	NM	1 4.20%	2	4 /5	UT	- 11.8%
3	8	UT	1 1.00%	3	2	NM	- 10.6%
4	4	SW average	1 0.63%	4	4 /5	SW average	- 7.6%
5	2	US average	9. 40%	5	3	AZ	- 5.7%
6	6	AZ	6. 86%	6	4	US average	- 4.7%
7	3	NV	3. 90%	7	7	CO	- 1.2%
8	1	CO	1. 00%	8	1	NV	- .8%

### How States Determined Their State Targets for Indicator 5

IDEA Part B Section 616 outlines the requirements for states to monitor the implementation of IDEA. In short, this section requires that SPPs include: (a) baseline data that reflect the State's efforts to implement Part B of the IDEA; (b) measurable and

rigorous targets for the following six years for each of the indicators established by the Secretary in the priority areas under section 616(a) of the IDEA; and (c) activities the State will undertake to improve implementation of Part B.

There are no clear guidelines for states to determine benchmarks, and in fact, the six states in this sample set targets in differing ways. Utah set benchmarks that reflect a percent increase or decrease from year to year, based on data from the previous year (Utah State Office of Education, December 2, 2005; Revised May 15, 2013). The remaining five states (Arizona, California, Colorado, Nevada, and New Mexico) set predetermined benchmarks that reflected a specified percent of children in each category for each subsequent year regardless of data from previous years.

States developed their SPP targets with stakeholder groups, and the composition of these stakeholder groups varied from state to state. Similarly, states varied in the rationale provided for the selection of their target benchmarks. While Arizona reported the composition of stakeholder groups for other indicators, stakeholder input in the development of Indicator 5 was not discussed. When considering the targets, Arizona noted the diversity of the state and the need for a range of placements utilized within the state to meet the needs of its students (Arizona Department of Education, February 15, 2013). No further information was provided as to why the specific targets were selected. California began gathering LRE data in 1996, well before the 2004 IDEA mandate. These targets were established through input from approximately 30 advocacy, administrative, and professional groups (California Department of Education, Originally Submitted December 2, 2005; Revised December 2012). When OSEP announced the SPP requirements, district-level benchmarks that were already in place were incorporated



into the SPP. This process and inclusion of the varied stakeholder groups may explain the relatively high targets stated in California's SPP. Colorado developed its SPP targets with stakeholders consisting of special education directors, special education providers, parents of students with disabilities, and a parent organization. The state noted that its LRE data already "substantially exceeds national averages" (Colorado Department of Education, February 13, 2013, p. 55). Because the Category A, B, and C percentages were noted to be positive and stable, the state SPP indicated that minimal resources would be expended on this indicator because percentages were not expected to improve dramatically from the already positive levels. New Mexico drafted its SPP with an IDEA advisory panel consisting of at least 51% people with disabilities or their parents, along with administrators, teachers, and institutes of higher education (New Mexico Public Education Department, Updated May 17, 2013). When revising its targets in 2013, New Mexico suggested weakening the targets since they had not been met since the baseline year. The advisory group also recommended lower targets for Category B placements "due to lack of control of how students move from separate settings, residential settings, and homebound settings into settings in the public schools" (New Mexico Public Education Department, Updated May 17, 2013, p. 32). Nevada noted a sustained effort to promote inclusive placements and an increasing trend in Category A placements prior to the 2004 IDEA SPP requirement that were higher than national averages by 0.5%. Finally, when developing its SPP, Utah reported that baseline for Category A was higher than during the previous 3 years, and that Categories B and C were consistent with the previous 3 years. A Special Education Services Unit analyzed this data and drafted a proposed SPP. Stakeholder groups consisting of teachers, related services personnel,

parents, people with disabilities, administrators, institutions of higher education, other agencies that support people with disabilities, and state board of education personnel provided input on the final SPP (Nevada Department of Education, February 2013).

This group set targets with greatest gains in the first 2 years (as evidenced by Category A-C targets) and then modest gains thereafter. There was no discussion as to why decreasingly ambitious targets were selected for later years.

### **Comparison Between Proposed and Actual Scope of Change**

In order to examine whether the benchmarks articulated in the State Performance Plan had an influence on placement trends, we compared the SPP 2011 targets to the actual LRE placements for 2011 (the year for which the most recent LRE data was available). Figures 2 and 3 show actual placement changes compared to the proposed targets for each state. In addition averages for the six southwest states and the U.S. as a whole are provided for an additional comparison.

Figure 2. *Student Placements Compared to Target for Category A*

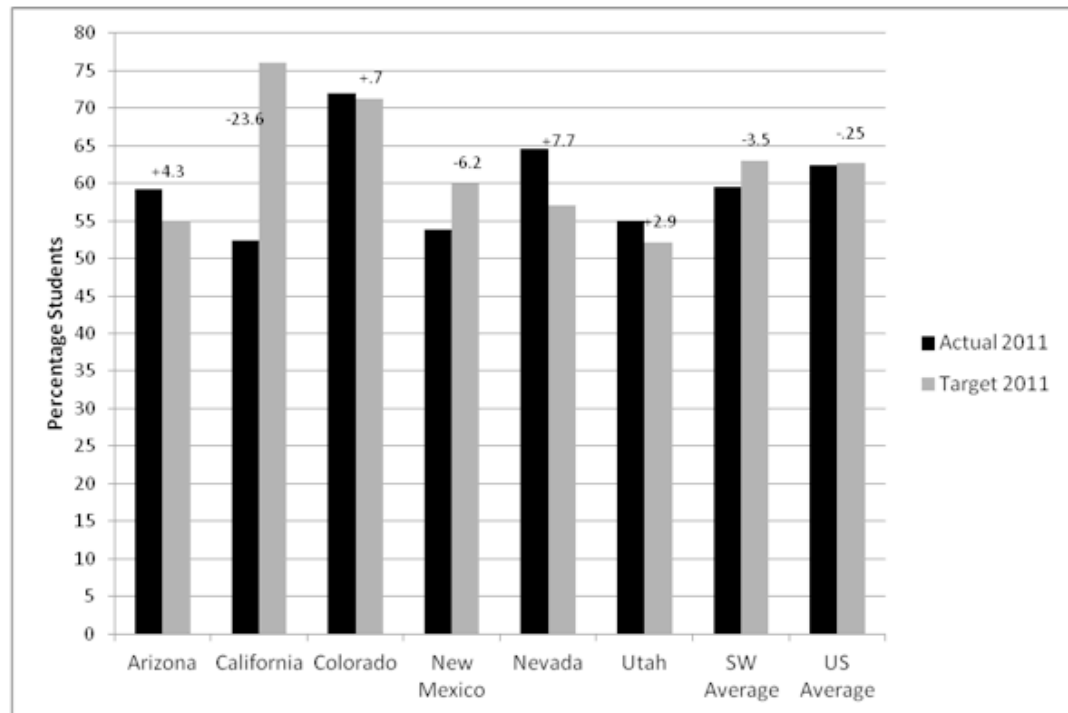
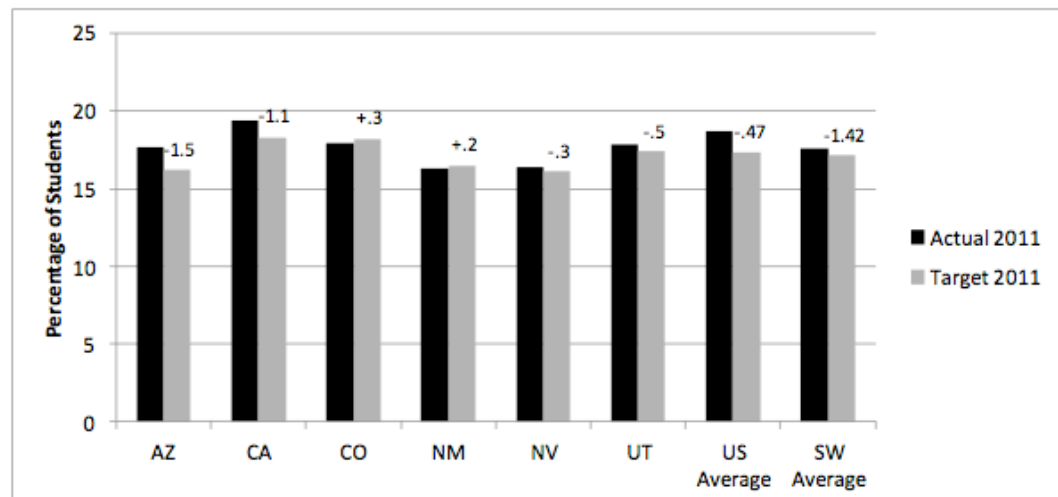


Figure 3. *Student Placements Compared to Target for Category B & C (Combined)*



As depicted in Figure 2, only California and New Mexico failed to reach their target for Category A percentages. California was 23.6% short of its target and New Mexico was 6.2% below its target. Furthermore, the southwest states, as a whole, did not meet their projected target when examined as a group (short by 3.5%). The U.S. average target was also short by .25%.

Actual percentage changes in Category B and C combined indicated less success overall, as shown in Figure 3. Only Colorado and New Mexico achieved their targets for Category B and C combined, exceeding targets by .3% and .2%, respectively. The other states fell short of their targets, ranging from 1.5% below target (AZ) to .3% below (NV). As a group, the southwest states fell short of their targets by 1.42% and the U.S. fell short by .47%.

Table 2 shows the rank ordering of states, the southwest states as a group, and the U.S. according to their actual scope of change for Category A and Category B and C combined. We hypothesized that, if the scope of change reflected in SPPs did in fact influence LRE placement, there should be a relationship between proposed scope of change and actual scope of change. Instead, we found that there was no real relationship between proposed scope of change and actual scope of change, as can be seen in no pattern between a state's proposed scope of change ranking and its actual scope of change ranking. Instead, the state ranking for the extent to which states met their targets is almost the reverse of the rankings shown in Table 1. For Category A placement, Utah, Nevada, and Arizona showed the largest scope of change while California and Colorado showed the smallest scope of change. Utah was the only state whose proposed scope of change mirrored actual scope of change (exceeding its target by 1.85%). Ironically,

California went from a first place ranking for proposed scope of change to close to the last place for actual scope of change (missing its target by 23.6%). For Category B and C placements, Colorado and New Mexico showed the largest scope of change. New Mexico was the only state whose proposed scope of change mirrored its actual scope of change. In comparison, Colorado ranked second to the lowest for proposed scope of change, but ranked first for actual scope of change for Category B and C placements. In sum, the data presented here does not support the hypothesis that SPPs are meaningful agents of change in influencing actual LRE placement for most states.

Table 2. *State Rankings Based on Actual Scope of Change*

Actual Scope of Change Ranking	Proposed Scope of Change Ranking	Category A (Change from baseline)		Actual Scope of Change Ranking	Proposed Scope of Change Ranking	Category B & C (Change from baseline)	
1	3	UT	1 2.85%	1	7	CO	- 7.52%
2	7	NV	1 1.57%	2	3	NM	- 6.04%
3	6	AZ	1 0.13%	3	4	SW average	- 4.99%
4	5	US average	9 .15%	4	2	UT	- 4.46%
5	2	NM	8 .04%	5	1	CA	- 4.42%
6	4	SW average	7 .93%	6	5	AZ	- 3.76%
7	1	CA	3 .25%	7	8	NV	- 3.74%
8	8	CO	1 .74%	8	6	US average	- 1.96%

### Limitations

Before discussing the results of this analysis, it is important to note the limitations of this study. First, the six states selected are representative of the U.S. southwest.

While the states themselves are diverse, these six states may not be representative of the U.S. as a whole. Second, publicly available data was analyzed in this study. This does not allow for an in-depth analysis of the quality of services provided to children in their educational placements.

### **Discussion**

The data presented in this article shows how six southwestern states established rigorous targets and the influence those targets had on subsequent LRE placement changes. Based on our analysis, there appears to be a poor relationship between the targets proposed in the SPPs and the scope of changes in LRE placements, suggesting that monitoring based on “rigorous and measurable” targets may be meaningless. State plans to improve LRE placement rates have historically been modest, raising the question of whether state targets satisfy the requirement of being “rigorous.” For example, of the sixty “states” (which include the 50 U.S. states, as well as U.S. territories and Bureau of Indian Education), fifteen states (25%) set goals to maintain their present rates of Category A placements, seventeen states (28%) set targets that were within 1% of their baseline data, and twenty-seven states (45%) set targets to increase Category A placements by 1 to 5% (National Institute for Urban School Improvement, 2007). Based on our analysis, we would agree with the National Institute for Urban School Improvement’s (2007) conclusion that:

The notion of rigorous is interesting given the targets set. From a research perspective, the notion of rigorous might mean high degree of certainty, careful, consistent attention to methodology, or a high degree of fidelity. From a layperson’s perspective, the notion of rigorous is most frequently associated with

descriptions such as tough, hard to meet, a high standard of performance. Yet, the targets set by most states seem modest rather than ambitious. (p. 79).

Despite questionably rigorous targets, Misra (2006) also noted that these state targets appear to have had little impact on actual improvement of LRE placement rates. Our analysis of the six southwestern states tends to support this finding as well. In fact, amongst the states we examined, the established targets did not predict eventual outcomes. Ironically, states that had set low targets not only exceeded them, but they also demonstrated some of the highest percentages of change, and states that set the highest targets demonstrated the lowest percentages of change. This certainly raises the question of whether our current monitoring process can result in any meaningful improvement for students with disabilities. Moreover, as has been noted by others (e.g., Misra, 2006; National Institute for Urban School Improvement-LeadScape, 2011), actual state performance for Indicator 5 continues to vary considerably from state to state despite efforts to make more inclusive placements based on the individual needs of students rather than dependent on where they reside.

### **Implications for Practice**

One important implication for practice for those involved in implementation of policies to provide greater access to inclusive communities is the importance of input in how states implement these policies. Federal initiatives, especially those that are left to states to determine benchmarks and indicators of success, must be carefully monitored to ensure that the targets are adequately identified. As can be seen from the analysis presented in this article, state implementation can vary from being rigorous to modest. Furthermore, establishing benchmark targets for improvement does not guarantee that

those targets will be met. Setting targets, although important, requires follow-up involvement with state and local policymakers.

We believe that research that continues to document LRE placement rates is needed and can be beneficial to stakeholders as they participate in state efforts to address important outcomes related to implementation of IDEA. This research should also inform public policy. Specifically, we believe that physical placement is a first step towards quality inclusive programs, but physical placement is not the last step. In other words, there is both a qualitative difference in student experience in segregated and inclusive placements and a benefit to students in inclusive placements (e.g., Kurth & Mastergeorge, 2012); however, we are aware that what occurs in those settings is critical. Thus, there must be a continued effort to monitor and improve access to general education settings by all states. But to convey to states that placement is all that is required could undermine the intent of the IDEA to continue to push states to provide quality services in the LRE (Cooper, 2004). It is possible, and very likely, that measurable may not mean quality or meaningful improvement.

An unresolved issue from this analysis is whether the Indicator 5 measures are sufficient for improving FAPE within the LRE, which is the purpose of the monitoring system. In states such as Colorado, where percentages were already high for Category A, we wonder if there is little incentive to continue to make improvements. However, because Colorado had such high LRE placement rates when compared to the rest of the southwest, and the U.S. as a whole, this state may serve as a model to be replicated by other states. Future research in this area could potentially provide some valuable



information as to what extent increased physical placement in inclusive settings can influence the quality of outcomes for students with disabilities.

Furthermore, there appears to be some inherent conflicts with having each state determine their own benchmarks as satisfying the requirement of establishing measurable and rigorous benchmarks. Currently, federal policy considers Indicator 5 as a “results indicator” rather than a “compliance indicator.” It may be beneficial, then, to change Indicator 5 to a compliance indicator so that OSEP would be able to take the lead in articulating a set percentage target for all states for increasing the percentage of statewide inclusive placements for students with disabilities and decrease the variability in placement patterns across states. Absent such a uniform target, there is a tendency to convey a view that the LRE can be arbitrarily defined using self-defined standards. Of course, for OSEP to engage in such a practice, the field must still determine a reasonable percentage threshold for students with disabilities within each placement category. Currently, that reasonable threshold is highly variable. Yet, without a more uniform answer to this question, access to FAPE within the LRE will continue to depend on where a student lives, not on their needs.

Perhaps, with this decade of state monitoring behind us, we now have an established baseline for determining a reasonable threshold for identifying rigorous targets for LRE placements and this data could be used to inform policy makers in setting a uniform target for the U.S. as a whole. Stakeholders are urged to use this data to advocate for more rigorous state targets for LRE placement.

As OSEP identifies new compliance and monitoring procedures for the next reauthorization of IDEA, policymakers can ensure that students with disabilities have

greater access to inclusive schooling options by clearly articulating rigorous standards, not simply measurable ones. By doing so, more students with disabilities can be afforded greater opportunities to be included in their neighborhoods with their typical peers based on policies that are more equitably applied, which we believe has always been the underlying promise of IDEA. Unfortunately, our data analysis supports the sentiment that we are “still waiting, even after all of these years” (Least Restrictive Environment Coalition, 2001).

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